

PATENT Attorney Docket No. <u>F-5629 (0360-0017.01)</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

William H. Cork

Serial No. 10/031,112

Filed: 01/14/2002

Group Art No.: 1723

Examiner: Terry K. Cell

Confirmation No. 2485

For: Medical System, Method

and Apparatus Employing

MEMS

CERTIFICATE OF MAILING BY EXPRESS MAIL Express Mail Mailing Label No.: EV643274096US Date of Deposit: November 14, 2005

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Name:

Diane G. Kapil

Signature: Drane G. X

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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- 1. Certificate of Mailing.
- 2. Petition to Withdraw Holding of Abandonment.
- 3. Return Receipt Postcard.

Name:

Diane G Kapi

Signature:

EV643274096US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:
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Serial No. 10/031,112

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Name: Diane G. Kapil
Signature: Diane G. Kapil

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant hereby submits a petition to the Commissioner of Patents to withdraw the Notice of Abandonment mailed October 7, 2005, in the above case. The Notice of Abandonment states that this application stands abandoned in view of Applicants' failure

to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. As set forth below, the required issue fee and publication fee were timely paid.

A Notice of Allowance was mailed to Applicants on April 27, 2005, thereby setting a three month statutory period to pay the required issue fee and publication fee by July 27, 2005. On June 28, 2005, Applicants submitted by facsimile the completed fee transmittal together with a change of correspondence address and a transmittal form (Exhibit 1, attached). The fee transmittal authorized the Director of the office to charge the requisite fees to Deposit Account Number 02-1440.

This facsimile was received by the USPTO on June 28, 2005, as evidenced by (1) the record generated by Applicants' own facsimile machine (Exhibit 2) and (2) the Auto-Reply Facsimile Transmission sent to Applicants by the USPTO (Exhibit 3).

Accordingly, Applicants submit that this showing to support the timely filing of the requisite fees is sufficient under 37 CFR §1.181, and withdrawal of the holding of abandonment is respectfully requested.

It is not believed that this request requires payment of a fee, however, if a fee is required, the Commissioner, is authorized to charge such fee to deposit Account No. 50-1039.

Respectfully submitted,

COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD.

Reg. No. 27,357

200 West Adams Street Suite 2850 Chicago, Illinois 60606 (312) 236-8500

Dated: November 14, 2005

PART B - FEE(S) TRANSMITTAL

complete and seme this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450

Alexandria, Virginia 22313-1450

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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04/27/2005

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Bradford R. L. Pa Baxter Healthcare Fenwal Division R P O Box 490 - Ro	Corporation .	I		I hereby certify that the States Postal Service vertices addressed to the Mai	tificate of Mailing or Tran his Fee(s) Transmittal is bein with sufficient postage for fi I Stop ISSUE FEE address TO (703) 746-4000, on the	ig deposited with the United ist class mail in an envelope a above, or being facsimile
Round Lake, IL 60	073			Elizabeth J	. Eich	(Depositor's name)
	•			Chaliett	J. Elex	(Signature)
				(0/2	8105	(Date)
APPLICATION NO.	FILING DATE	1	FIRST NAME	D INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,112	01/14/2002		William	n H Cork	F-5629 (CORK 100 US)	2485
TITLE OF INVENTION: N	IEDICAL SYSTEM, METH	OD AND APPARA	ATUS EMPI	LOYING MEMS		
- APPLN, TYPE	SMALL ENTITY	ISSUE FE	E	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400		\$300	\$1700	07/27/2005
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CECIL,	TERRY K	1723		210-085000	•	•
CFR 1.363). Change of correspond Address form PTO/SB/1 "Fee Address" indica PTO/SB/47; Rev 03-02 Number is required.	e address or indication of "Formula of address (or Change of 22) attached. tion (or "Fee Address" Indication for address attached. Using the address attached or more recent) attached.	Correspondence	(1) the na or agents (2) the na registered 2 registered listed, no	nting on the patent front page, liames of up to 3 registered pater OR, alternatively, are of a single firm (having as a lattorney or agent) and the named patent attorneys or agents. If name will be printed.	nt attorneys Gary W. a member a les of up to	McFarron
	RESIDENCE DATA TO B an assignee is identified be a 37 CFR 3.11. Completion			T (print or type) pear on the patent. If an assign for filing an assignment.	nee is identified below, the o	document has been filed for
	rnational Inc.		Deerfi	eld, IL	,	Dc
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Issue Fee	small entity discount permitte		_	t by credit card. Form PTO-2038		
Advance Order - # o		•		ector is hereby authorized by count Number 02-1440		credit any overpayment, to copy of this form).
5 Change in Entity Status	(from status indicated above					

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Registration No. ____

Typed or printed name Bradford R. L. Price

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complet submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the am this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Com Alexandria, Virginia 22313-1450.

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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	10/031,112
Filing Date	1/14/02
First Named Inventor	William H. Cork
Art Unit	1723
Examiner Name	Cecil, Terry K.
Attorney Docket Number	F-5629

Please change the Correspondence Address for the above-identified patent application to:
The address associated with Customer Number:
OR
Firm or Individual Name BAXTER INTERNATIONAL INC.
ONE BAXTER PARKWAY Address
City DEERFIELD State IL Zip 60015
Country U.S.
Telephone 847-948-2000 Email FAX 847-948-3880
This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).
I am the:
Applicant/Inventor
Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
Attorney or agent of record. Registration Number 29,101
Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number
Signature Signature
Typed or Printed Bradford R. L. Price
Date 6-28-05 Telephone 847-948-4483
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.
*Total offorms are submitted.
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NOV 1 4 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/031,112 Filing Date TRANSMITTAL 1/14/02 First Named Inventor **FORM** William H. Cork Art Unit 1723 Examiner Name Cecil, Terry K. (to be used for all correspondence after initial filing) Attorney Docket Number F-5629 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC ✓ Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify **Terminal Disclaimer Extension of Time Request** below): Change of Correspondence Address Form Request for Refund **Express Abandonment Request** PTO/SB/122 CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Part B - Fee(s) Transmittal form submitted in duplicate Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name BAXTER INTERNATIONAL INC. Signature Printed name Bradford R. L. Price 6-28-01 Date Reg. No. 29,101 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date Typed or printed name This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public v process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimate gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the ind amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES C 1c ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JOB #361 DATE TIME 6/28 10:39A

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block) for any change of address)

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04/27/2005

Bradford R. L. Price Baxter Healthcare Corporation. Fenwal Division RLP-30 POBox 490 - Route 120 & Wilson Road Round Lake, IL 60073

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transmitted to the USPTO (703) 746-4000, on the date indicated below.

Elizabeth J. Eich	(Depositor's name
Elistick JiEux	(Signature
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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE F-5629 (CORK 100 US) 01/14/2002 William H Cork 10/031.112

TITLE OF INVENTION: MEDICAL SYSTEM, METHOD AND APPARATUS EMPLOYING MEMS

APPLN, TYPE	SMALL ENTITY	ISSUE FEE	- 1	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUS
nonprovisional	NO	\$1400		\$300	\$1700	07/27/2005
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	Bradford R. L.				No. 29,101	
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Auto-Reply Facsimile Transmission

TO:

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Fax Information

Date Received:

6/28/2005 11:32:11 AM [Eastern Daylight Time]

Total Pages: 4 (including cover page)

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Received

Cover Page =====>

		PART B - FEE(S)	TRANSMITTAL	·		
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		or E	(702) 746 4606			ļ
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